IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRITS No. 3463 of 2001

SUNIL KUMAR
V/S
STATE & ORS

Mr. SUNIL BENIWAL, for the appellant / petitioner

Mr. LR UPADHYAY,DY.G.A. for the respondent

Date of Order : 8.10.2004

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the parties. The petition was filed initially with the prayer for direction to the respondents to produce the record of the entire selection process undertaken by the respondents, and to revise the select list after computing the reservation as per the judgment of the Hon'ble Supreme Court in the case of Indra Sawhney's case with all consequential benefits. This writ petition came up for consideration on 6.9.01. On that date, writ petition was dismissed at this stage with a liberty to petitioner to make a representation if he so desires in respect of his grievances made in this petition to respondent no.3, and the respondent no.3 was directed to decide the same by reasoned order, and liberty was given to the petitioner to get the writ petition revived. Thereafter the petitioner filed an application on 1.11.2001 along with copy of order of Distt. Supdtt. Of Police, Pali whereupon the writ petition was revived. This is how the matter comes up for admission. It was sought to be contended by learned counsel for the petitioner that according to the order of S.P., ten persons have been given appointment in OBC category, while none of them have been given appointment in General category. It is neither pleaded in the writ petition, nor in the application, nor any

material has been placed before this court, to show that any of the OBC candidates, who have been selected, had secured merit position, entitling them to appoint in General category, as General category candidate despite being belonging to OBC.

In that view of the matter, simply because number of posts have been filled in different categories by number of persons, belonging to that category, it cannot be assumed that some OBC candidates should be taken to have cleared to fall in the General category, so as to entitle the petitioner to claim any appointment much less to the extent, so as to include the petitioner to be selected.

Thus the writ petition has no force and is hereby dismissed summarily.

(N P GUPTA),J.

/Srawat/